



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 12, 1996

Ms. Judith Hunter  
Paralegal  
City Attorney's Office  
City of Georgetown  
P.O. Box 409  
Georgetown, Texas 78627-0409

OR96-0318

Dear Ms. Hunter:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 39030.

The City of Georgetown received two requests for copies of information pertaining to a certain pending police department investigation. You assert that the requested information is excepted from required public disclosure based on sections 552.101 and 552.108 of the Government Code.

Section 552.101 of the Government Code excepts from required public disclosure information that is confidential by law, including information deemed confidential by statute. Section 261.201(a) of the Family Code reads as follows:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

The requested information consists of reports, records, and working papers used or developed in an investigation made under chapter 261 of the Family Code. Because you have not cited any specific rule that the city has adopted with regard to the release of this type of information, we assume that no such regulation exists. Given that assumption, the requested records are confidential pursuant to section 261.201 of the Family Code. See Open Records Decision No. 440 (1986) (applying predecessor statute). Accordingly, the city must withhold the requested records from required public disclosure pursuant to section 552.101 of the Government Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision.<sup>1</sup> This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/ch

Ref.: ID# 39030

Enclosures: Submitted documents

cc: Ms. Cindy Worsham  
P.O. Box 3000-245  
Georgetown, Texas 78627  
(w/o enclosures)

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<sup>1</sup>Because we have resolved your request pursuant to section 552.101 of the Government Code in conjunction with section 262.201 of the Family Code, we need not address your other section 552.101 claims or your section 552.108 claim.